



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2016 DEC 12 AM 11:46

December 12, 2016

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PO/nmc*
Chief Compliance Officer

Debbie Chacona *DC/nmc*
Assistant Staff Director
Reports Analysis Division

BY: *KDR* Kristin D. Roser/Ben Holly *B.H.*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2016 12 Day Pre-General Report
(Authorized Committees) for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file or timely file the 2016 12 Day Pre-General Report in accordance with 52 U.S.C. § 30104(a). The 12 Day Pre-General Report was due on October 27, 2016. The list is comprised of authorized committees whose candidates sought election in the General Election held on November 8, 2016.

The committees listed on the attached RTB Circulation Report either filed the election sensitive report more than five (5) days after the due date or failed to file the report. In accordance with the schedule of civil money penalties at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

An explanation of the civil money penalties calculation for the committees that failed to file the report is outlined below:

The committee (AF 3181) represents a candidate that participated in the 2016 General Election. The committee was required to file a 2016 12 Day Pre-General Report (12G) covering October 1, 2016 through October 19, 2016 (19 days). In order to determine the civil money penalty for the 2016 12 Day Pre-General Report, an estimated level of activity was calculated using a per diem average by multiplying the previous activity reported for the 2015-2016

election cycle (\$110,005) by 6.93% (the number of days required in 12G (19) divided by the number of days included in the Committee's 2015-2016 election cycle reports (274)).

The committee (AF 3183) represents a candidate that participated in the 2016 General Election. The committee was required to file a 2016 12 Day Pre-General Report (12G) covering October 1, 2016 through October 19, 2016 (19 days). In order to determine the civil money penalty for the 2016 12 Day Pre-General Report, an estimated level of activity was calculated using a per diem average by multiplying the previous activity reported for the 2015-2016 election cycle (\$329,294) by 6.93% (the number of days required in 12G (19) divided by the number of days included in the Committee's 2015-2016 election cycle reports (274)).

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

ENCLOSURE

Federal Election Commission
Reason to Believe Circulation Report
2016 PRE-GENERAL Election Sensitive 10/27/2016 AUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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3181	C00603654	FRIENDS OF MATT DETCH	MATTHEW PAUL DETCH	MICHAEL BEALE	\$110,005	0		Not Filed	\$7,623 (est)	\$771
3182	C00613463	MISTY K. SNOW FOR U.S. SENATE	MISTY K. SNOW	MISTY K. SNOW	\$114,308	0	11/2/2016	6	\$20,795	\$271
3183	C00612861	PELLERIN FOR U.S. SENATE, LLC.	JOSHUA A. PELLERIN	JENNIFER MAY	\$329,294	0		Not Filed	\$22,820 (est)	\$1,157

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation 2016)
12 Day Pre-General Report (Authorized)
Committees) for the Administrative Fine)
Program:)

FRIENDS OF MATT DETCH, and) AF# 3181
BEALE, MICHAEL as treasurer;)
MISTY K SNOW FOR US SENATE, and) AF# 3182
MISTY K SNOW as treasurer;)
PELLERIN FOR US SENATE LLC, and) AF# 3183
JENNIFER MAY as treasurer;)

CERTIFICATION

I, Dayna C. Brown, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 16, 2016 the Commission took the following actions on the Reason To Believe Recommendation 2016 12 Day Pre-General Report (Authorized Committees) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 12, 2016, on the following committees:

AF#3181 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF MATT DETCH, and BEALE, MICHAEL in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3182 Decided by a vote of 6-0 to: (1) find reason to believe that MISTY K SNOW FOR US SENATE, and MISTY K SNOW in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3183 Decided by a vote of 6-0 to: (1) find reason to believe that PELLERIN FOR US SENATE LLC, and JENNIFER MAY in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

December 19, 2016
Date



Dayna C. Brown
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 16, 2016

Michael Beale, in official capacity as Treasurer
Friends of Matt Detch
201 North Court St.
Lewisburg, WV 24901

C00603654
AF#: 3181

Dear Mr. Beale:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-General Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election for which the candidate is seeking election, or nomination for election. This report, covering the period October 1, 2016 through October 19, 2016, shall be filed no later than October 27, 2016. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report prior to four (4) days before the General Election held on November 8, 2016, the report is considered not filed for the purpose of calculating the civil money penalty. You should file the report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On December 16, 2016, the FEC found that there is reason to believe ("RTB") that Friends of Matt Detch and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before October 27, 2016. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$771. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$771 is due within forty (40) days of the finding, or by January 25, 2017, and is based on these factors:

Sensitivity of Report: Election Sensitive
Level of Activity: \$7,623
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. **If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or January 25, 2017. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Friends of Matt Detch and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate

action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

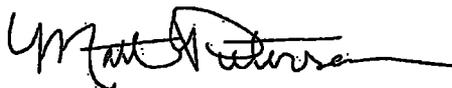
5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including making a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Aimee Wechsler in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$771 for the 2016 Pre-General Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Friends of Matt Detch

FEC ID#: C00603654

AF#: 3181

PAYMENT DUE DATE: January 25, 2017

PAYMENT AMOUNT DUE: \$771



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2017 MAY 10 PM 3:49

May 10, 2017

SENSITIVE

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *BH for KDR*
Kristin D. Roser/Ben Holly *BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
2016 12 Day Pre-General Report (Authorized Committees)

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2016 12 Day Pre-General Report (Authorized Committees). The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, one (1) committee disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. An overview of this case has been provided below.

Pellerin for U.S. Senate LLC (AF 3183) filed the 2016 12 Day Pre-General Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$1,473 (previously estimated to be \$22,820), thus the fine would be lowered from \$1,157 to \$643. The committee paid the civil money penalty assessed at RTB; we will therefore issue a refund for the difference (\$514).

- Misty K Snow for US Senate (AF 3182) filed an Amended Statement of Organization after the RTB finding designating Beverly Prothero as Treasurer.

RAD Recommendation

- (1) Make a final determination that the political committees and their treasurers, in their official capacity, listed on the attached reports violated 52 U.S.C. § 30104(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

Federal Election Commission
 FD Circulation Report Fine Paid
 2016 PRE-GENERAL Election Sensitive 10/27/2016 AUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
3182	MISTY K. SNOW FOR U.S. SENATE	MISTY K. SNOW	C00613463	BEVERLY PROTHERO	11/02/2016	6	\$20,795	0	12/16/2016	\$271	\$271	1/24/2017	\$271
3183	PELLERIN FOR U.S. SENATE, LLC	JOSHUA A. PELLERIN	C00612861	JENNIFER MAY	02/17/2017	Not Filed	\$1,473	0	12/16/2016	\$1,157	\$843	1/27/2017	\$1,157*

* This committee disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty and will be assessed a civil money penalty at Final Determination (FD) that has been reduced since the RTB finding. This committee paid the civil money penalty assessed at RTB; therefore, we will issue a refund for the difference.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program - Final)
Determination Recommendation for the)
2016 12 Day Pre-General Report)
(Authorized Committees):)
FRIENDS OF MATT DETCH, and) AF# 3181
BEALE, MICHAEL as treasurer;)
MISTY K SNOW FOR US SENATE, and) AF# 3182
BEVERLY PROTHERO as treasurer;)
PELLERIN FOR US SENATE LLC, and) AF# 3183
JENNIFER MAY as treasurer;)

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission, do hereby certify that on May 12, 2017 the Commission took the following actions on the Administrative Fine Program - Final Determination Recommendation for the 2016 12 Day Pre-General Report (Authorized Committees) as recommended in the Reports Analysis Division's Memorandum dated May 10, 2017, on the following committees:

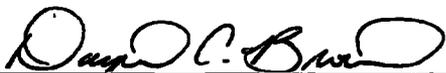
AF#3181 Decided by a vote of 5-0 to: (1) make a final determination that FRIENDS OF MATT DETCH, and BEALE, MICHAEL in his official capacity as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3182 Decided by a vote of 5-0 to: (1) make a final determination that MISTY K SNOW FOR US SENATE, and BEVERLY PROTHERO in her official capacity as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3183 Decided by a vote of 5-0 to: (1) make a final determination that PELLERIN FOR US SENATE LLC, and JENNIFER MAY in her official capacity as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

May 15, 2017
Date


Dayna C. Brown
Secretary and Clerk of the Commission

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a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within thirty (30) days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within five (5) days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive

endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 CFR §§ 111.42(b) and 111.20(c), the file will be placed on the public record within thirty (30) days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Ben Holly at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,



Steven T. Walther
Chair

CONFIDENTIAL

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the civil money penalty is \$771 for the 2016 Pre-General Report. The payment is due within 30 days of receipt of this letter.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Friends of Matt Detch

FEC ID#: C00603654

AF#: 3181

PAYMENT AMOUNT DUE: \$771

